

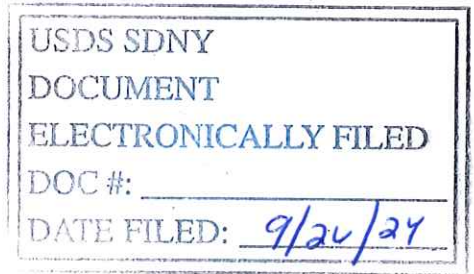
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

SAIQUAN ROBINSON,

Defendant.



20 Cr. 415 (KMW)

Order re: Attorney-Client Privilege Waiver (Informed Consent)

WHEREAS defendant Saiquan Robinson has moved for relief from his sentence pursuant to 28 U.S.C. § 2255 on the ground of ineffective assistance of counsel; and

WHEREAS the Government, after reviewing the motion papers, has concluded that the testimony of defendant's former counsel, Lance A. Clarke, Esq., Phillip C. Hamilton, Esq., and David M. Stern, Esq. ("Counsel"), as well as access to the previously sealed, *ex parte* transcripts of the Court's discussion with the defendant about these issues, will be needed in order to allow the Government to respond to certain aspects of the motion; and

WHEREAS the Court, after reviewing the motion papers, is satisfied that the testimony of Counsel and access to the sealed transcripts are needed in order to allow the Government to respond to the motion; and

WHEREAS by making the motion, the movant has waived the attorney-client privilege as a matter of law; and

WHEREAS the Court is cognizant that, absent court order or informed consent, ethical concerns may inhibit Counsel from disclosing confidential information relating to a prior client even in the absence of a privilege, *see, e.g.*, ABA Standing Comm. on Ethics and Prof.

Responsibility Formal Op. 10-456 (July 14, 2010), *Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim*;

IT IS HEREBY ORDERED that defendant execute and return to this Court within 60 days from the date of this Order the accompanying "Attorney-Client Privilege Waiver (Informed Consent)" form. If the waiver is not received by the Court within 60 days from the date of this Order, the Court will deny the Section 2255 motion on the ground that the movant failed to authorize the disclosure of information needed to permit the Court to decide the motion; and it is further

ORDERED that, upon the filing of the waiver described above, (1) Counsel shall give sworn testimony, in the form of a declaration, addressing the allegations of ineffective assistance of counsel made by the defendant; and (2) all sealed *ex parte* transcripts in this case shall be unsealed and provided to the Government; and it is further

ORDERED that the Government shall, within 60 days of the filing of the waiver described above, obtain the sworn testimony from Counsel and file it, the Government's opposition to the Section 2255 motion, and any additional supporting papers with this Court; and it is further

ORDERED that the defendant shall have 30 days from the filing of the Government's opposition papers to submit any reply papers, after which time the motion will be fully submitted.

Dated: New York, New York
September 25, 2024



HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE